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In re Application of  
WANG  
U.S. Application No.: 10/579,435  
PCT No.: PCT/CN2004/001304  
Int. Filing Date: 15 November 2004  
Priority Date: 18 November 2003  
Attorney Docket No.: 42505-200124  
For: CAR ROOF OF VEHICLE

**DECISION**

This is a decision on the papers filed on 09 August 2006.

**BACKGROUND**

On 15 May 2006, applicants filed papers for entry into the national stage of PCT/CN2004/001304 which included the large entity fees of \$900.00 for a national stage application.

On 09 August 2006, applicants filed a document titled "Assertion of Entitlement to Small Entity Status and Request for Refund."

**DISCUSSION**

In the papers filed 09 August 2006, applicants requested small entity status and a refund of one-half the \$900.00 fees paid. 37 CFR 1.28 (a) states, in part that:

A refund pursuant to § 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under § 1.136. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee.

Applicants submitted the change in status to a small entity on 09 August 2006 which is within the three-month time period required as the transmittal letter was filed

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15 May 2006.

**CONCLUSION**

Applicants' request for a refund pursuant to 37 CFR 1.28(a) is **GRANTED**.

Counsel's Deposit Account No. 10-0435 has been credited \$450.00.

The above-captioned application will be forwarded to the DO/EO/US for further processing.

A handwritten signature in black ink, appearing to read "James Thomson".

James Thomson  
Attorney Advisor  
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